

REMARKS

Claims 1-16 were pending in this application.

Claims 1-16 have been rejected.

No claims have been amended.

Claims 17-20 have been added.

Claims 1-20 remain pending in this application.

Reconsideration of Claims 1-20 is respectfully requested.

I. IN THE SPECIFICATION

The Office Action objected to the title of the invention as not being descriptive and required that a new title be submitted. The Applicants have amended the title in response to the objection and respectfully request that the new title be entered and the objection to the title be withdrawn.

II. REJECTION UNDER 35 U.S.C. § 102

The Office Action rejects Claims 1, 12, 15 and 16 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,292,833 to Liao et al. ("Liao"). This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. §102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP §2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir.

1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP §2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent Claim 1 recites a system for controlling an apparatus having a dedicated user interface, the system including a browser adapted to display a generic user interface. In the rejection of Claims 1, 12, 15 and 16, the Office Action asserts that Hypertext Transfer Protocol (HTTP) Interface 704 in network gateway 700 of the *Liao* reference teaches a dedicated user interface and User Datagram Protocol (UDP) Interface 752 in mobile device 750 describes a generic user interface. The Applicants respectfully traverse this assertion.

The *Liao* reference describes a mobile station that communicates using User Datagram Protocol over a wireless network with a network gateway, which communicates using Hypertext Transfer Protocol over a network to remote servers. *See Liao, Fig. 1; col. 4, lines 26-36; col. 13, lines 30-32 and 62-64.* Within the mobile station a client module, operating a network browser and coupled to a UDP interface, establishes a UDP communication session with the network gateway. *See Liao, Fig. 7B; col. 14, lines 7-10 and 17-19.* The client module also controls a display driver to display information to the user on a display of the mobile station, and receives user input through an input device of the mobile station. *See Liao, col. 14, lines 13-16.* Thus, the *Liao* reference describes a browser that presents an unspecified user interface using a display and an input device, and which communicates with a network gateway using User Datagram Protocol.

The Applicants respectfully assert that the *Liao* reference does not teach a browser adapted to display a generic user interface, issue requests and accept notifications, and a translation system configured to translate the requests into, and notifications from, a dedicated user interface message protocol for controlling an apparatus, as recited in independent Claim 1. As such, the *Liao* reference does not teach each and every limitation of the Applicants' invention arranged as they are in Claim 1. For these reasons, the cited portions of *Liao* fail to anticipate the Applicants' invention as recited in Claim 1. Similarly, the cited portions of *Liao* fail to anticipate the Applicants' invention as recited in Claims 12, 15 and 16.

Accordingly, the Applicants respectfully request withdrawal of the § 102 rejection and full allowance of Claims 1, 12, 15 and 16.

III. REJECTIONS UNDER 35 U.S.C. § 103

The Office Action rejects Claims 2-11, 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Liao* in view of U.S. Patent No. 6,233,608 to Laureson et al. ("Laureson"). This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d

1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure. MPEP § 2142.

As described above in Section II, *Liao* fails to disclose, teach, or suggest the Applicants' invention as recited in independent Claims 1 and 12. As a result, Claims 2-11, 13 and 14 are patentable over *Liao* due to their dependence from allowable base claims.

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Accordingly, the Applicants respectfully request withdrawal of the § 103 rejections and full allowance of Claims 2-11, 13 and 14.

IV. NEW CLAIMS

The Applicants have added new Claims 17-20. The Applicants respectfully submit that no new matter has been added in these claims. The Applicants respectfully request entry and full allowance of Claims 17-20.

V. CONCLUSION

For the reasons given above, the Applicants respectfully request reconsideration and full allowance of all pending claims and that this application be passed to issue.

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SUMMARY

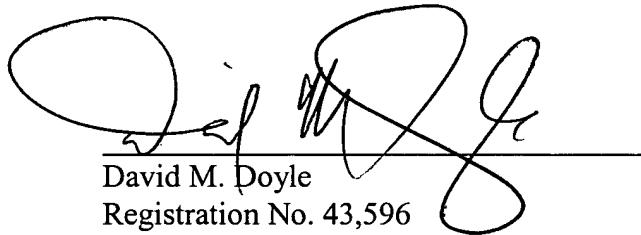
If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *ddoyle@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 9/30/04



A handwritten signature in black ink, appearing to read "David M. Doyle". Below the signature, the text "Registration No. 43,596" is printed.

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